

## Message Text

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ACTION ERDA-07

INFO OCT-01 NEA-10 ISO-00 OES-07 AID-05 IO-13 ACDA-07

L-03 NRC-05 CIAE-00 INR-07 NSAE-00 ERDE-00 /065 W

-----067016 151344Z /53

P 151136Z JUL 77

FM AMCONSUL BOMBAY

TO SECSTATE WASHDC PRIORITY 7458

INFO AMEMBASSY NEW DELHI PRIORITY

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E.O. 11652 N/A

TAGS: TECH, IN

SUBJ: TARAPUR FUEL STORAGE

REF: STATE 164786

1. THIS MORNING (JULY 15) I GAVE ATOMIC POWER AUTHORITY CHAIRMAN J.C. SHAH THE TEXT OF REFTEL. HE STATED THAT HE WOULD BE IN A BETTER POSITION TO COMMENT IN DETAIL ON OVERALL SITUATION AFTER THE RECEIPT OF DATA ON THE KIND AND NATURE OF THE GE PROPRIETARY DATA, INCLUDING COSTS AND AN ESTIMATE OF HOW LONG GE ENVISAGES THE STUDY WOULD TAKE. HE DID, HOWEVER, MAKE THE FOLLOWING "FIRST READING" COMMENTS ON REFTEL:

2. RE PARAGRAPH 1 HE NOTED THAT THEY HAD ADDED THE WORDS "AND METHODS" TO THE OBJECTIVE OF "FEASIBILITY" IN THE ORIGINAL ERDA DRAFT (BOMBAY 0963). THIS THEY HAD DONE TO MAKE THE SCOPE OF THE STUDY MORE IN LINE WITH THE NEEDS AS SEEN BY THEM. THESE WERE MADE MORE EXPLICIT IN THE AMPLIFICATION OF CLAUSE 1 BY THEM AND IN CLAUSE 4A. HE SAID THAT THE ACCEPTANCE OF THESE SUGGESTIONS BY ERDA HAS LED THEM TO BELIEVE THAT THERE IS AN IDENTITY OF PURPOSE AND THAT THEY WANT NOTHING BEYOND WHAT IS STATED IN THESE CLAUSES.

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3. RE PARAGRAPH 3, GRIMM IS KNOWN TO DAE AND GRAF IS NOT. IF THE FEASIBILITY STUDY AGREEMENT CAN BE REACHED VERY QUICKLY, A POINT THAT SHAH NOW DOUBTS BECAUSE OF THE RESOLUTION OF OTHER ISSUES, THEY WOULD BE GOOD CHOICES. IF NOT OTHERS SUCH AS NUCLEAR UTILITY SERVICES, WHO WERE ASSOCIATED WITH TARAPUR, ARE ALSO COMPETENT TO DO THE STUDY. LOOKING AT VARIOUS ALTERNATIVES TO GE, SHAH SAID IT WAS POSSIBLE THAT

THE DAE ITSELF COULD DO THE STUDY WITH ERDA FUNDING, WITH INTERACTION THROUGH ERDA TO THE US UTILITY FIRMS AND CONSULTANTS. OF COURSE IF THE DAE WERE TO DO THE STUDY ITSELF IT WOULD NEED A DOUBLE CHECK BY ERDA TO ENSURE THAT IT MEETS ERDA REQUIREMENTS. SHAH WAS NOT PROPOSING THIS, AT PRESENT, BUT MERELY THINKING OF ALTERNATIVES.

4. RE PARAGRAPH 4 THERE IS CONCERN (PREVIOUSLY REPORTED IN BOMBAY 1654) THAT THE CHANGES OF THE WORD "OF" TO "FOR" WOULD PROBABLY, IN DAE'S OPINION, PERMIT THEM TO USE THE STUDY TO BUILD A NEW POOL AT TARAPUR AT SOME FUTURE DATE. FURTHER, SHAH BELIVES THAT THE PROPOSED INDIAN CHANGE IS IN KEEPING WITH THE LARGER INTENT OF THE USG, SINCE OUR AIMS AT VIRTUAL INDEFINITE STORAGE AT TARAPUR AND THAT THE CHANGE OF FROM "OF" TO "FOR" WOULD PERMIT THE DAE TO USE THE STUDY RESULTS TO CONSTRUCT A NEW POOL FOR TARAPUR SPENT FUEL WHEN AND IF IT WAS NEEDED.

5. IN PARAGRAPH 6 THE INDEMNITY ISSUE GIVES THE DAE MORE PROBLEMS THAN THE COST. SHAH SEES IN THIS THE SAME PROBLEMS ON INDEMNITY EXPRESSED EARLIER IN THE ORIGINAL DRAFT GOI-GE AGREEMENT. HE SAID THAT GIVEN THE DIFFICULTY WITH CLAUSE 8-E IT MIGHT BE BETTER TO EXAMINE CLOSELY THE SECOND OF THE TWO ALTERNATIVES IN PARAGRAPH 2 OF STATE 159021, THAT IS TO EXCLUDE THE PROPRIETARY DATA FROM ANY REPORT PROVIDED A MEANINGFUL STUDY CAN BE CONDUCTED LIMITED OFFICIAL USE

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WITHOUT SUCH DATA. SHAH IS "OPEN TO COUNTER SUGGESTIONS ON INDEMNITY ISSUE BUT FRANKLY IS NOT OPTIMISTIC".

6. CONCERNING THE QUESTION OF PATENTING PROBLEMS IN PARAGRAPH 7, THE GOI HAD HAD EARLIER PROBLEMS WITH CONFLICT BETWEEN PROPRIETARY RIGHTS OF OTHER COMPANIES AND GOI PATENT LAW AND WAS CONCERNED THAT THEY COULD REAPPEAR AS A RESULT OF A NEW AGREEMENT. HE COULD NOT COMMENT MORE PRECISELY PENDING THE RECEIPT OF SPECIFICS ON THE NATURE OF THE PROPRIETARY DATA, AT WHICH TIME, THE SUGGESTED, EMBASSY NEW DELHI MIGHT BE ABLE TO RESEARCH THE PATENT PROBLEM. (SHOULD THIS FEASIBILITY STUDY BE MADE WITHOUT PRESENTATION OF THE PROPRIETARY DATA TO THE INDIANS PATENT PROBLEMS BECOMES MOOT.)

7. RE PARAGRAPH 9, THE PROPOSED WORK STUDY SEEMS ACCEPTABLE TO THE DAE. SHAH COMMENTED THAT PHASE 1 SEEMS ESSENTIALLY A DATA INPUT AND THE PHASE 2 WOULD PROVIDE THE INFORMATION THAT THE INDIANS WOULD FIND USEFUL. IN THIS CONNECTION IF THE ALTERNATIVE 2 PRESENTED IN STATE 15902 WERE PURSUED (I.E. WITHOUT A PROPRIETARY INPUT) SHAH WONDERED IF THE STUDY WOULD BE "MEANINGFUL"

AND HOW, OR IF, THE WORK SPELLED IN PHASE 2 WOULD  
CHANGE.  
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## Message Attributes

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